REMARKS

With entry of this amendment, claims 15-61 are pending in this application. Of these, claims 15-58 stand rejected, and claims 59-61 have been newly added. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §102

Claims 15-19, 21-25, 27-31, 33-37, 39-47, 49-53 and 55-58 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,012,457 to Lesh ("Lesh"). As an initial matter, Applicants do not acquiesce that Lesh is a §102(e) reference, and reserve the right to swear behind this reference should it become necessary. Notwithstanding this, Applicants respectfully traverse the rejections of claims 15-19, 21-25, 27-31, 33-37, 39-47, 49-53 and 55-58, since Lesh does not disclose each and every element required by these claims.

In particular, Applicants have amended independent claims 15, 27, and 43 to clarify that the pronounced ring or circumferential region has a primarily distal facing surface. In contrast, the surface on the expandable electrode body 370 of Lesh has a primarily radial facing surface. Thus, Applicants submit that claims 15, 27, and 43, as well as the claims depending therefrom (claims 16-19, 21-25, 28-31, 33-37, 39-42, 44-47, 49-53 and 55-58) are not anticipated by Lesh, and as such, respectfully request withdrawal of the §102 rejections of these claims.

Claim Rejections-35 U.S.C. §103

Claims 20, 32, and 48 stand rejected under 35 U.S.C. §103 as being obvious over Lesh in view of U.S. Patent No. 5,908,445 to Whayne et al. ("Whayne '445), and claims 26, 38, and 54 stand rejected under 35 U.S.C. §103 as being obvious over Lesh in view of U.S. Patent No. 5,853,411 to Whayne et al. ("Whayne '411). Applicants respectfully traverse the rejections of these claims, since

none of these references, alone or in combination, disclose or suggest the features required by these claims.

In particular, none of these references discloses or suggests that the surface of the expandable electrode body of Lesh can be oriented in a primarily distal facing direction, as recited in independent claims 15, 27, and 34. Thus, Applicants submit that dependent claims 20, 26, 32, 38, 48, and 54 are not obvious over the combination of Lesh, Whayne '445, and Whayne '411, and as such, respectfully request withdrawal of the §103 rejections of these claims.

New Claims

Applicants submit that 59-61, which have been newly added, find support in the specification, as originally filed, and are patentable over the cited prior art. In particular, Fig. 83 illustrates an electrode body having a distally facing surface that extends in a plane perpendicular to the axis of the catheter. The electrode bodies of Lesh, Whayne '445, and Whayne '411 simply do not disclose this feature.

Conclusion

Based on the foregoing, all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0600.

Respectfully submitted,

Dated: 11/12/03

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Enclosure: Marked up version of the amended claims pursuant to 37 C.F.R. § 1.121(c)(1)(ii).

Marked up version of the amended claims pursuant to 37 C.F.R. § 1.121(c)(1)(ii).

15. (Once Amended) [An invasive] A catheter assembly, comprising:

an elongate catheter; and

an expandable electrode body mounted proximate one end of the catheter, the electrode body configured to form a pronounced ring when expanded, the pronounced ring defining a primarily distal facing surface of the electrode body, wherein the distal facing surface includes an area configured to emit radio frequency (RF) energy.

22. (Once Amended) The catheter assembly of claim 15, wherein the pronounced ring further defines a primarily proximal facing surface, and wherein substantially all of the distal facing surface and the distal region is conductive, and wherein substantially all of the proximal facing surface is non-conductive.

27. (Once Amended) A catheter assembly, comprising:

an elongate catheter; and

an expandable electrode body mounted proximate one end of the catheter, the electrode body configured to form an enlarged circumferential region and a region distal to the circumferential region when expanded, the circumferential region having a maximum circumference greater than a maximum circumference of the distal region, the circumferential region defining a primarily distal facing surface of the electrode body, wherein the distal facing surface includes an area configured to emit radio frequency (RF) energy.

34. (Once Amended) The catheter assembly of claim 27, wherein the enlarged circumferential region further defines a primarily proximal facing surface, and wherein substantially

all of the distal facing surface and the distal region is conductive, and wherein substantially all of the proximal facing surface is non-conductive.

43. (Once Amended) A catheter assembly, comprising:

an elongate catheter; and

an expandable electrode body mounted proximate one end of the catheter, the electrode body configured to form [an] a pronounced ring and a region distal to the pronounced ring when expanded, the pronounced ring defining a primarily distal facing surface of the electrode body, wherein the distal facing surface includes an area configured to emit radio frequency (RF) energy.

50. (Once Amended) The catheter assembly of claim 43, wherein the pronounced ring further defines a primarily proximal facing surface, and wherein substantially all of the distal facing surface and the distal region is conductive, and wherein substantially all of the proximal facing surface is non-conductive.